

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12716, of William T. Whitehead, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under Sub-section 7104.2 to change a non-conforming use from a doctor's office (first floor) to office for the United Planning Organization and under Sub-section 7105.2 to extend a non-conforming use (offices) on part of the second floor to include offices on the entire second floor in the R-4 District at the premises 1801 - 9th Street, N.W., (Square 394, Lot 810).

HEARING DATE: August 16, 1978
DECISION DATE: September 6, 1978

FINDINGS OF FACT:

1. The subject site is located on the northeast corner of 9th Street and S Street, N.W., known as 1801 - 9th Street, N.W. It is in an R-4 District.
2. The property is rectangular in shape and consists of 2,133 square feet of land area. The site is developed with a two story masonry building with a spanish tile awning just above the first floor.
3. To the north adjacent to the property and continuing north are row dwellings in the R-4 District. To the east adjacent to the property is the Try Me Laundry, followed by Towns Grocery Store, both in the R-4 Districts. To the south, the square is entirely vacant, and to the west is a boarded up small grocery store followed by row dwellings.
4. The applicant is requesting permission to use the 1st and 2nd floors of the subject building as offices of a neighborhood center sponsored by the United Planning Organization, a non-profit anti-poverty organization designed to assist poor and elderly people.
5. A Certificate of Occupancy No. B-4363, was issued on March 19, 1957 for the first floor to be used as a doctor's office. In May 1955 a Certificate of Occupancy (No. A-31393) was issued for the second floor to be used as a flat.

6. Between the period of June 1, 1971 and October 1, 1976, the first floor of the building was used by the Supreme Life Insurance Company without a proper Certificate of Occupancy and was vacant from that time until February 1, 1978, at which time United Planning Organization moved in and occupied the space.

7. The office of a non-profit organization is first permitted as a matter-of-right in the C-1 District. The office of a doctor who does not reside on the premises is also first permitted in a C-1 District.

8. The hours of operation for the office would be from 8:30 a.m. to 5:30 p.m., Monday through Friday. The office would offer assistance in housing, consumer affairs, senior citizens assistance, small business counseling, youth development and an alcoholic program.

9. The Municipal Planning Office population statistics for Ward 1 indicate that the Ward has more poverty and unemployment, lower levels of homeownership, and higher levels of crime and drug addiction than the city average. The proportion of elderly persons and children combined is above City norms. The Board finds that the services to be offered by UPO at this location would directly serve residents of the area, and that the use would be a neighborhood facility as contemplated by the Zoning Regulations.

10. The site is fully occupied with the building, leaving no room to accommodate off-street parking spaces on the property. No off-street parking spaces are required.

11. There will be no structural alterations made to the building nor is any other structure involved in the extension of the non-conforming use to the second floor.

12. The Municipal Planning Office by report, dated August 1, 1978, and by testimony at the hearing, recommended that the application be granted on the grounds that the requested special exception will be in the public interest and in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not tend to affect adversely the use of neighboring property. The Board so finds.

13. The Municipal Planning Office reported that the Advisory Neighborhood Commission 1B supported the application. There was no report or direct testimony from the ANC received in the record.


14. There was no opposition to the case.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the proposed use will be a neighborhood facility, that there will be no structural alterations to the present property and that no other structure is involved. The Board concludes that the proposed change can be granted, as the proposed use is permitted in the most restrictive district in which the former doctor's office was permitted as a matter-of-right. The Board concludes that the special exceptions requested will be in harmony with the general purpose, and intent of the Zoning Regulations and Maps. The Board further concludes that the granting of this application will not tend to affect adversely the use of the neighboring property and the community. Accordingly, it is so ORDERED that the application be GRANTED subject to the CONDITION that office use be limited to the United Planning Organization only.

VOTE: 3-1 (Charles R. Norris, Chloethiel Woodard Smith, Leonard L. McCants to GRANT, William F. McIntosh to DENY).

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

FINAL DATE OF ORDER: 5 OCT 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.